

## Message Text

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ACTION AF-10

INFO OCT-01 EUR-12 IO-13 ISO-00 CIAE-00 COME-00 EB-08

INR-10 LAB-04 NSAE-00 SIL-01 HA-05 PA-01 ICA-11

L-03 /079 W

-----113973 251517Z /75

R 251220Z MAY 78

FM AMCONSUL JOHANNESBURG

TO SECSTATE WASHDC 7725

INFO AMEMBASSY BRUSSELS

AMCONSUL CAPE TOWN

AMCONSUL DURBAN

AMEMBASSY LONDON

AMEMBASSY PRETORIA

USMISSION USUN NEW YORK

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CAPE TOWN ALSO FOR EMBASSY

E.O. 11652: N/A

TAGS: PLAB, EINV, SHUM, SF, US, UK, EEC

SUBJECT: PRESSURES TO REMOVE EMPLOYMENT DISCRIMINATION

REF: (A) JOHANNESBURG 1247, (B) JOHANNESBURG 0601, (C) 77

JOHANNESBURG A-66

1. SUMMARY: PRESSURE FROM SOUTH AFRICAN COMMERCE AND INDUSTRY, THE EUROPEAN COMMUNITY AND WITHIN THE SOUTH AFRICAN GOVERNMENT TO MODIFY DISCRIMINATORY EMPLOYMENT PRACTICES SUGGESTS THAT THE UNITED STATES POSITION MAY BE LAGGING AND THAT U.S. ASSOCIATION WITH THE EEC CODE SHOULD BE RECONSIDERED. TO THE EXTENT CONTINUED RELIANCE IS PUT ON THE SULLIVAN MANIFESTO, IT SHOULD BE BROUGHT INTO LINE WITH THE NOW INCREASINGLY PROMINENT SOUTH AFRICAN THINKING ON EQUAL WORKER REPRESENTATION AND  
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THE GROWING VIEW ON THE IMPORTANCE OF DISCLOSURE. END SUMMARY.

2. THE ASSOCIATION OF CHAMBERS OF COMMERCE (ASSACOM) ANNOUNCED ON MAY 24 THAT IT HAD ASKED THE WIEHAHN COMMISSION OF INQUIRY INTO LABOR LEGISLATION TO RECOMMEND TRADE UNION RIGHTS FOR ALL WORKERS AND TO END ALL RACE AND SEX DISCRIMINATION IN SOUTH AFRICA'S LAWS. REPRESENTING

101 AFFILIATED CHAMBERS OF COMMERCE WITH 16,000 MEMBER FIRMS EMPLOYING OVER ONE MILLION SOUTH AFRICANS OF ALL RACES, ASSACOM'S RECOMMENDATIONS ARE ESSENTIALLY SIMILAR TO THOSE DESIRED BY WIEHAHN HIMSELF (REF C). ASSACOM RECOMMENDED A TWO-TIER SYSTEM OF INDUSTRIAL RELATIONS WITH TRADE UNIONS REPRESENTING WORKERS OF ENTIRE INDUSTRIES AT THE NATIONAL LEVEL AND OF IN-COMPANY COMMITTEES AT THE PLANT LEVEL.

3. IN WHAT COULD BE ANOTHER IMPORTANT BREAKTHROUGH, METAL INDUSTRY NEGOTIATIONS (REF B) WRE SUCCESSFULLY COMPLETED ON MAY 24 WITH A NEW AGREEMENT ENDING FORMAL JOB DISCRIMINATION AT ALL LEVELS EXCEPT THE TOP ARTISAN CATEGORY. THE AGREEMENT BETWEEN THE CONFEDERATION OF METAL AND BUILDING UNIONS (CMBU) AND THE STEEL AND ENGINEERING INDUSTRIES FEDERATION (SEIFSA) ALSO CALLS FOR BASIC WAGE INCREASES RANGING FROM 14.7 PERCENT OF ARTICANS TO 18.6 PERCENT FOR THE LOWEST PAID UNSKILLED WORKERS. THE AGREEMENT CONTAINS GUARANTEES FOR WHITE WORKERS THAT THEY WILL NOT BE REPLACED BY LOWER PAID BLACKS. SINCE BLACKS WILL STILL BE EXCLUDED FROM ARTISAN POSITIONS DUE TO RESTRICTIONS ON TRAINING, THE NEW AGREEMENT COULD, DEPENDING ON THE VOLUTION OF PRACTICE, SUBSTITUTE A NEW AND MORE SUBTLE FORM OF DISCRIMINATION WHICH WOULD BE FORMALLY BASED ON "MERIT" BUT, IN EFFECT, STILL RACIALLY DISCRIMINATORY.  
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4. IN YET ANOTHER DEVELOPMENT, IT HAS BEEN ANNOUNCED IN THE SOUTH AFRICAN PRESS AND CONFIRMED BY THE BRITISH LABOR ATTACHE THAT THE UK GOVERNMENT IS ABOUT TO MAKE PUBLIC A WHITE PAPER URGING UK COMPANIES TO IMPLEMENT THE EUROPEAN COMMUNITY CODE OF EMPLOYMENT PRACTICE AND REPORT ANNUALLY (AS OF JUNE 30 THIS YEAR) ON THEIR PROGRESS. BRITAIN WILL BE THE FIRST EEC COUNTRY TO COMMIT ITSELF FORMALLY TO THE CODE BUT IT IS UNDERSTOOD FROM DISCUSSIONS WITH LABOR REPORTING OFFICERS OF OTHER EEC COUNTRIES THAT THE BENELUX AND NORDIC COUNTRIES, AS WELL AS IRELAND MAY FOLLOW SUIT SOON.

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5. THE BRITISH WHITE PAPER, TOGETHER WITH A QUESTIONNAIRE  
AND COVERING LETTER, ARE TO BE SUPPLIED ANNUALLY TO  
THE CHAIRMEN OF ALL COMPANIES OPERATING IN SOUTH AFRICA.  
COMPLIANCE WILL NOT BE LEGALLY REQUIRED, BUT THE BRITISH  
LABATT ANTICIPATES THAT PUBLIC PRESSURE GROUPS WILL  
PLAY AN IMPORTANT ROLE IN ENCOURAGING FULL DISCLOSURE.

6. COMMENT: WHILE ANNOUNCEMENT OF LITTLE OVER A YEAR AGO  
OF THE SO-CALLED SULLIVAN CODE FOR U.S. FIRMS OPERATING  
IN SOUTH AFRICA MAY HAVE GIVEN IMPETUS TO SOME OF THESE  
STEPS AWAY FROM EMPLOYMENT DISCRIMINATION IN SOUTH AFRICA,  
THE U.S. POSITION IS NOW CLEARLY MORE AMBIGUOUS THAN  
THAT OF MANY SOUTH AFRICAN BUSINESS, GOVERNMENT AND  
TRADE UNION SPOKESMEN IN TWO IMPORTANT RESPECTS, I.E.,  
EQUAL WORKER REPRESENTATION RIGHTS AND COMPLIANCE OR  
MONITORING. MINISTER OF LABOR FANNIE BOTHA, AS WELL AS  
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AN INCREASING NUMBER OF SOUTH AFRICAN BUSINESS LEADERS  
HAVE SPOKEN OUT ON THE NEED FOR EQUAL WORKER REPRESENTA-  
TION, INCLUDING TRADE UNION RIGHTS FOR ALL SOUTH AFRICANS.  
YET, THE SULLIVAN MANIFEST IS SILENT ON THIS POINT.  
SPEAKING ON BEHLF OF ANOTHER IMPORTANT SOUTH AFRICAN  
PRESSURE GROUP JUSTICE STEYN OF THE URBAN FOUNDATION  
RECENTLY CALLED CODES OF FAIR EMPLOYMENT PRACTICES THE  
BEST FRIEND OF BUSINESS IF THEY HELP TO AVOID BOYCOTTS  
OR SANCTIONS (REF A). STEYN NOTED, HOWEVER, THAT THE

CODES ARE MEANINGLESS UNLESS COMPLIANCE IS MONITORED  
AND MADE PUBLIC. IN VIEW OF THESE AND OTHER DEVELOP-  
MENTS, IT IS RECOMMENDED THAT FORMAL ASSOCIATION  
WITH THE EEC CODE BE RECONSIDERED, INCLUDING A  
COMPLIANCE FORMULA SIMILAR TO THAT OF THE UNITED  
KINGDOM. TO THE EXTENT THE SULLIVAN MANIFESTO IS  
STILL RELIED UPON, IT SHOULD BE UPDATED IN THE TWO  
RESPECTS INDICATED IF IT IS TO RETAIN CONTINUING  
EFFECTIVENESS.  
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## Message Attributes

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**Concepts:** EMPLOYMENT, DISCRIMINATION  
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**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
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